

DIVISION IV

NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS
KAREN R. BAKER

CA05-1338

JUNE 14, 2006

CHARLES ROUSE

APPELLANT

v.

APPEAL FROM THE PULASKI COUNTY
CIRCUIT COURT
[PDE03-1031, PDE03-1032]

VICKIE ROUSE

HONORABLE MACKIE MCCLELLAN
PIERCE, CIRCUIT JUDGE

APPELLEE

REBRIEFING ORDERED

Appellant challenges the circuit court's distribution of settlement proceeds in an action brought for the wrongful death of appellant's son. We are unable to reach the merits of appellant's claim and remand for rebriefing.

Appellant's abstract refers to documents relied upon in evidence at trial, including references to appellant's payment of child support and receipt of disability benefits, that are not included in appellant's abstract or addendum for our review. Appellant must provide an abstract or addendum sufficient to conduct a meaningful review. *Campbell v. State*, 349 Ark. 111, 76 S.W.3d 271 (2002). Arkansas Supreme Court Rule 4-2(b)(3) explains the procedure to be followed when an appellant fails to supply this court with a sufficient brief. The rule provides:

Whether or not the appellee has called attention to deficiencies in the appellant's abstract or Addendum, the Court may address the question at any time. If the Court finds the abstract or Addendum to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies,

and has fifteen days within which to file a substituted abstract, Addendum, and brief, at his or her own expense, to conform to Rule 4-2(a)(5) and (8). Mere modifications of the original brief by the appellant, as by interlineation, will not be accepted by the Clerk. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise or supplement the brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, Addendum and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the Rule.

Rule 4-2(b)(3). *See also City of Dover v. City of Russellville*, 351 Ark. 557, 95 S.W.3d 808 (2003).

We hereby order appellant to submit a substituted brief in accordance with our rules. Appellant's counsel is directed to file a substituted brief correcting the deficiencies in the addendum within fifteen days of this opinion. If appellant fails to file a complying brief within the prescribed time, the trial court's judgment may be affirmed for noncompliance with the rules. Upon the filing of appellant's substituted brief, appellee may, if she wishes, file a responsive brief within the time prescribed by the supreme court clerk, or she may rely on the brief she has already filed. *See Branscumb v. Freeman*, 357 Ark. 644, 187 S.W.3d. 846 (2004).

Rebriefing ordered.

VAUGHT and CRABTREE, JJ., agree.